

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6260**

**BILL NUMBER:** HB 1315

**NOTE PREPARED:** Apr 6, 2005

**BILL AMENDED:** Mar 31, 2005

**SUBJECT:** Certificates of Title for Off-Road Vehicles.

**FIRST AUTHOR:** Rep. Goodin

**FIRST SPONSOR:** Sen. Lewis

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:**     **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** (Amended) The bill requires a person to obtain a certificate of title from the Bureau of Motor Vehicles (BMV) for certain off-road vehicles that the person purchases after December 31, 2005. It requires a person who becomes an Indiana resident after December 31, 2005, to obtain a certificate of title from the BMV for an off-road vehicle: that is less than five model years old.

The bill also sets certain requirements for dealers of off-road vehicles and makes violations of the requirements a Class A infraction. It makes it a Class B misdemeanor for an individual to operate an off-road vehicle or snowmobile while under the influence of an alcoholic beverage.

**Effective Date:** (Amended) July 1, 2005; January 1, 2006.

**Explanation of State Expenditures:** *Summary.* This proposal will increase one-time expenditures from the Motor Vehicle Highway Account, which supports the BMV, by an estimated \$53,200.

For the BMV, the agency that will title the vehicles, there will be computer changes and data base development required in order to identify the new vehicle types. In addition, there will be new forms required for the titling. The computer changes and database development expenditures are estimated at approximately \$47,900, while the expenditures for the printing of new forms are estimated at \$5,300. The provisions of the bill can be implemented within the existing level of the BMV budget.

According to the Department of Natural Resources, which registers off-road vehicles used on public property, as of June 30, 2004, there were 23,358 off-road vehicles registered in the state.

The titling requirement does not apply to off-road vehicles more than five model years old and that are purchased before January 1, 2006. Consequently, this will limit the number of vehicles that require titling initially.

Dealers are to prepare an application for a certificate of title for a purchaser of an off-road vehicle and may charge a processing fee that may not exceed \$10.

**Explanation of State Revenues:** *Penalty Provisions:* The proposal provides a Class A infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

The proposal also provides for a Class B misdemeanor for an individual who operates an off-road vehicle or snowmobile while under the influence of an alcoholic beverage. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Bureau of Motor Vehicles.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Mike Portteus, Law Enforcement Division of the DNR, 317-232-4012.

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